



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2007-01480
	Date Issued: _____	24 May 2012
	Comments Due: _____	25 June 2012

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing for performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Texas Department of Transportation (TxDOT)
P.O. Box 1386
Houston, Texas 77251-1386

AGENT: Michael Baker Jr. Inc.
5825 North Sam Houston Parkway West, Suite 250
Houston, Texas 77086-1549
Telephone: 281-586-5314
POC: Mr. Sonny Kaiser

LOCATION: The proposed highway, Grand Parkway (State Highway 99) Segment F-2, will traverse approximately 12.1 miles between State Highway (SH) 249 and Interstate Highway (IH) 45. The project site is located in wetlands adjacent to Cypress Creek, Willow Creek and Spring Creek between Tomball, Klein and Spring in Harris County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled: Tomball, Texas; and Spring, Texas.

LATITUDE & LONGITUDE (NAD 83):
Latitude: 30.051 North; Longitude: -95.615 West

PROJECT DESCRIPTION: The applicant proposes to discharge 329,794 cubic yards of fill material into 40.677 acres of forested, scrub shrub, and emergent wetlands and 2,589 linear feet of stream during the construction of a 12.1-mile new location controlled access road with intermittent frontage roads and associated facilities within a 400-foot right of way (ROW) between SH 249 and IH 45.

AVOIDNACE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by evaluating preliminary alternative project corridors and selecting the corridor which best avoids environmental impacts. During final design, the roadway and detention basins were modified resulted in avoidance of 2.59 acres of wetlands. Detention ponds were moved within the existing ROW reducing the total ROW required by 9 acres. Detention basins were shifted to reduce stream impacts by 2,057 linear feet. The use of Best Management Practices will be selected by their effectiveness in the impacted area (wetland or stream) including fabric filter fence, rock check dams and /or detention ponds. These will be used to minimize turbidity to waters of the U.S.

MITIGATION: The applicant proposes to mitigate for the proposed impacts to 40.677 acres of wetlands by securing credits at Spellbottom Mitigation Bank (SMB) located eight miles southwest of Huntsville, Texas. The mitigation instrument for SMB was signed 15 September 2011 with the initial credit release authorized on 15 January 2012. The unavoidable jurisdictional impacts for F-2 are located in SMB's secondary service area. Wetland credits were determined using the Galveston District's approved Interim Hydrogeomorphic (HGM-i) Assessment. The applicant is finalizing a signed agreement with SMB for the mitigation credits needed.

The applicant proposed to mitigate for 2,589 linear feet of impacts to streams by creating 19,970 compensatory credits via permittee-responsible mitigation at the Katy Prairie Stream Umbrella Mitigation Bank (KPSUMB). The KPSUMB mitigation site is located approximately 14.5 miles west of the project site. The applicant is finalizing the mitigation plan with KPSUMB. The applicant will utilize the approved banking instrument's implementation guidelines and monitoring requirements to develop the final Grand Parkway Stream Mitigation Site. The final mitigation plan and design will be approved by the Corps prior to issuance of the permit. Stream credits were determined using a rapid visual field assessment in accordance with USACE-Galveston District Interim SWG Stream Condition Assessment Standard Operating Procedure for the Segment F-2 roadway ROW and proposed detention facilities. The final mitigation plan will include the 12 fundamental components as required under 33 CFR 325-332.

CURRENT SITE CONDITIONS: The proposed project consists of primarily undeveloped, vegetated pasture land and forested uplands. Vegetation within the proposed project includes upland forest, rangeland, palustrine emergent wetlands, palustrine scrub-shrub wetlands, and palustrine forested wetlands. The project site extends from SH 249 in the west to IH 45 in the west.

Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps for Harris County, portions of the proposed project are located within the 100-year floodplain. The following watersheds are traversed by the proposed project: Willow Creek, Cypress Creek, and Spring Creek.

This public notice is being issued based on information furnished by the applicant. Some of the project information has not been verified by the Corps. The wetland delineation was completed and a jurisdictional determination was verified by the Corps on 14 May 2012. The applicant's plans are enclosed in 49 sheets.

An Environmental Impact Statement has already been performed and approved by the Federal Highway Administration. A preliminary review of this application indicates that an additional Environmental Impact Statement (EIS) is not required.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act.

OTHER AGENCY AUTHORIZATIONS:

The project site is not located within the Texas Coastal Zone and, therefore, does not require certification from the Texas Coastal Management Program.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier II project criteria. Tier II projects are those which result in a direct impact of three acres or more of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier II criteria for the project. Accordingly, a request for 401 certification is necessary and there will be additional TCEQ review.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist will review the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The applicant conducted a cultural resources investigation of the project area and the results were summarized in a technical report entitled "*A Cultural Resource Survey of the Preferred Alignment for Segment F-2 of the Grand Parkway Project, Harris County, Texas*". The results of this investigation will be coordinated with the Texas State Historic Preservation Officer.

THREATENED AND ENDANGERED SPECIES: Based on the environmental studies for the project area a determination of "no effect" was concluded and has been coordinated with U.S. Fish and Wildlife Service. The project ROW impacts are not anticipated to risk the continued existence of any federally threatened and endangered species or their preferred habitat.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF PUBLIC COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **25 June 2012**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Dwayne Johnson
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U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-6353 Phone
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